

ORDINANCE NO. 27

AN ORDINANCE OF THE CITY OF BEE CAVE, TEXAS AMENDING ZONING ORDINANCE NO. 06-06-27A, EXHIBIT "C", SO AS TO MODIFY CERTAIN DEVELOPMENT STANDARDS OF A PLANNED DEVELOPMENT NEIGHBORHOOD SERVICES DISTRICT KNOWN AS BEE CAVE SQUARE FOR TWO TRACTS OF LAND BEING APPROXIMATELY 7.41 ACRES AND 2.24 ACRES RESPECTIVELY, WHICH LAND IS LOCATED AT 14301 HIGHWAY 71, IN THE CITY OF BEE CAVE AND WHICH LAND IS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; APPROVING AN AMENDED CONCEPT PLAN, ATTACHED AS EXHIBIT "B"; PROVIDING AMENDED DEVELOPMENT STANDARDS AND CONDITIONS, ATTACHED AS EXHIBIT "C"; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the property described in Exhibit "A" attached hereto, was previously zoned as a Planned Development District Neighborhood Services in Ordinance No. 06-06-27A which Ordinance contained special development requirements contained in Exhibit "C" to that Ordinance;

WHEREAS, the property owner wishes to modify a portion of the Development Standards contained in Exhibit "C" of Ordinance No. 06-06-27A in order to allow for subdivision of the Property into one or more lots, but wishes to continue to develop the Project authorized in Ordinance No. 06-06-27A as a single and cohesive Project;

WHEREAS, the Planning and Zoning Commission of the City of Bee Cave and the City Council of the City of Bee Cave, in compliance with the laws of the State of Texas, with reference to the granting of zoning classifications and changes, have given the requisite notices by publication and otherwise, and have held two hearings and afforded a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof, and the City of Council of the City of Bee Cave is of the opinion and finds that the requested changes to Exhibit "C" of Ordinance No. 06-06-27A should be granted;

WHEREAS, the modifications to the Development Standards proposed by the applicant complies with City Ordinances in effect on March 1, 2006, except as modified by the Exhibit "C" attached to this Ordinance, or by Ordinance No. 06-06-27A; and

WHEREAS, any protest made against the proposed modification to the Development Standards has been duly considered by the City of Council; and

WHEREAS, Sec. 32.03.015 of the City's Code of Ordinances provides that the purpose of a Planned Development District is to provide for the development of land as an integral unit for single or mixed use in accordance with a Planned Development Concept Plan ("PD Concept Plan") that may include uses, regulations and other requirements that vary from the provisions of other zoning districts, and to encourage flexible and creative planning to ensure the compatibility of land uses, and to allow for the adjustment of changing demands to meet the current needs of the community;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF
THE CITY OF BEE CAVE, TEXAS:**

SECTION 1. Findings of Fact. All of the above premises are hereby found to be true and correct legislative and factual findings of the City and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2. That the Development Standards contained in Ordinance 06-06-27A are hereby amended in accordance with Exhibit "C" to this Ordinance for the Property consisting of two tracts of land being approximately 7.41 acres and 2.24 acres respectively located at 14301 Highway 71 in the City of Bee Cave which land is more particularly described in Exhibit "A" attached hereto and made a part hereof for all purposes.

SECTION 3. That the amended Concept Plan for this Planned Development District which is attached hereto as Exhibit "B" and made a part hereof for all purposes and the same is hereby approved for said Planned Development District as required by Chapter 32, of the Code of Ordinances of the City of Bee Cave, Texas. Any proposed use or development depicted on the Amended Concept Plan shall not be deemed authorized or approved by the City of Bee Cave until a final site plan is approved for such use and/or development in accordance with the terms and conditions of Chapter 32 of the Code of Ordinances.

SECTION 4. That the granting of this amendment to the Development Standards approved in Ordinance No. 06-06-27A is subject to all applicable development regulations contained in the Code of Ordinances existing as of March 1, 2006 of the City of Bee Cave, except as modified herein and except as modified in Ordinance 06-06-27A. That all Development Standards and terms and conditions approved in Ordinance No. 06-06-27A shall remain in full force and effect unless expressly amended by this Ordinance.

SECTION 5. That the Planned Development shall be constructed in accordance with the Amended Concept Plan, which is attached hereto as Exhibit "B", as same may be further amended from time to time and with the detailed site plans, which must be submitted, reviewed and approved as required by Chapter 32 of the Code of Ordinances existing on March 1, 2006 prior to any development taking place on the Property;

SECTION 6. That should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjusted or held to be unconstitutional, illegal or invalid, the

same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional, and shall not affect the validity of Chapter 32 of the City of Bee Cave Code of Ordinances as a whole.

SECTION 7. That this Ordinance shall take effect immediately from and after its passage.

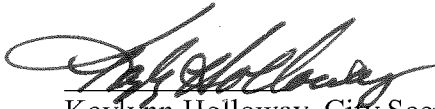
SECTION 8. Notice and Meeting Clause. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

DULY PASSED by the City of Council of the City of Bee Cave, Texas, on the 14th day of April, 2009.

CITY OF BEE CAVE, TEXAS


Caroline Murphy, Mayor

ATTEST:


Kaylynn Holloway, City Secretary

[SEAL]

APPROVED AS TO FORM:



Patty L. Akers, City Attorney

EXHIBIT "A"

FIELD NOTES TO ACCOMPANY MAP OF SURVEY
7.41 ACRES OF LAND
PART OF THE HALL MEDLIN SURVEY NO. 521, A-540
TRAVIS COUNTY, TEXAS

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FIELD NOTES DESCRIPTION OF 7.41 ACRES OF LAND OUT OF THE HALL MEDLIN SURVEY NO. 521, ABSTRACT NO. 540, TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF THAT CERTAIN TRACT CALLED FIRST TRACT CONTAINING 100 ACRES OF LAND DESCRIBED IN A DEED TO HELEN J. LALLIER AND HUSBAND, CARL E. LALLIER RECORDED IN VOLUME 787, PAGE 489 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS. THE SAID 7.41 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a 1/2 inch diameter iron rod set on the south right-of-way line of State Highway No. 71, being 80 feet south of and at right angles to engineers centerline station 1374+80.03, and being at the southwest corner of that certain 6.98 acre tract conveyed from Carl Lallier and wife, Helen Lallier to the State of Texas in a Right-Of-Way Deed recorded in Volume 863, Page 186 of the Deed Records of Travis County, Texas;

THENCE, S 77°48'00" E, along a line 80 feet south of and parallel to the said centerline of State Highway No. 71, a distance of 164.02 feet to a 1/2 inch diameter iron rod set at the northeast corner of the herein described tract;

THENCE, S 02°57' 50" W, a distance of 343.08 feet to a 1/2 inch diameter iron rod set;

THENCE, S 01°26'05" W, a distance of 208.63 feet to a 1/2 inch diameter iron rod set on the north line of that certain 5.207 acre tract described in a deed to Lake Travis Youth Association recorded in Volume 12885, Page 1291 of the Real Property Records of Travis County, Texas;

THENCE, S 80°44'54" W, a distance of 518.61 feet along the north line of the said 5.207 acre tract to a 60d nail found on the top of a fence corner post on the east line of that certain 0.885 acre tract conveyed for a public roadway, known as Twin Acres Drive, recorded in Volume 4171, Page 1540 of the Deed Records of Travis County, Texas for the northwest corner of the said 5.207 acre tract and southwest corner of the herein described tract;

THENCE, along the east line of the said 0.885 acre tract conveyed for public roadway, the following twelve (12) courses and distances:

- 1) N 02°14'54" W, 55.14 feet to a 1/2 inch diameter iron rod found;
- 2) N 08°12'02" W, 281.82 feet to a 1/2 inch diameter iron rod found;
- 3) N 05°50'00" W, 127.04 feet to a 1/2 inch diameter iron rod found;
- 4) N 11°14'35" W, 23.92 feet to a 1/2 inch diameter iron rod found;
- 5) N 81°13'25" E, 4.59 feet to a 1/2 inch diameter iron rod set;

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act of land, for the Lake Travis South Association, as described in the instrument recorded in Volume 12685, Page 1291, of the Real Property Records of Travis County, Texas, said point being an angle point of the herein described tract.

THENCE, leaving the westerly boundary of the aforementioned subdivision, and with the most northerly line of the aforementioned 5.207 acre tract, North 83 degrees 56 minutes 17 seconds West, a distance of 50.01 feet to a 1/2 inch iron rod found for the most northerly northwest corner of said 5.207 acres, and for an angle point of the herein described tract;

THENCE, with the most northerly west boundary of the aforementioned 5.207 acre tract, South 06 degrees 23 minutes 11 seconds West, a distance of 164.71 feet to a 1/2 inch iron rod found for an angle point in the northerly boundary of said 5.207 acres, and for the most southerly southeast corner of the herein described tract;

THENCE, continuing with the northerly boundary of the aforementioned 5.207 acre tract, South 80 degrees 46 minutes 19 seconds West, for a distance of 162.62 feet to a 1/2 inch iron rod found in said northerly boundary, for the southeasterly corner of a called 7.41 acre tract of land for Diamond Capital Corporation as described in the instrument recorded as document number 2000117512, of the Official Public Records of Travis County, Texas, and for the southwest corner of the herein described tract;

THENCE, leaving the aforementioned 5.207 acre tract, with the easterly boundary of the aforementioned 7.41 acre tract, North 01 degrees 24 minutes 06 seconds East, a distance of 208.48 feet to a 1/2 inch iron rod found for an angle point in said east line of said 7.41 acre tract, and an angle point of the herein described tract;

THENCE, continuing with the easterly boundary of the aforementioned 7.41 acre tract, North 02 degrees 37 minutes 50 seconds East, (Bearing Basis for this survey) a distance of 363.33 feet to a 1/2 inch iron rod found in the southerly right-of-way line of State Highway 71, for the northeasterly corner of said 7.41 acre tract, and the northwesterly corner of the herein described tract;

THENCE, with the aforementioned right of way line, South 74 degrees 07 minutes 32 seconds East, a distance of 157.62 feet to the PLACE OF BEGINNING, and containing calculated area of 2.24 acres (97574 sq.ft.), more or less.

THIS LEGAL DESCRIPTION IS TO BE USED WITH THE ATTACHED SURVEY PLAT ONLY.

THE CEMETERY TRACT IS NOT INCLUDED IN THIS SURVEY

BOS. 21 J. P. G. 11
5/28/04



EXHIBIT "A"

LEGAL DESCRIPTION

BEING 2.24 (97374 sq. ft.) ACRE TRACT OF LAND OUT OF THE HALL MEDLIN SURVEY NUMBER 523, ABSTRACT NUMBER 540, SITUATED IN TRAVIS COUNTY, TEXAS, SAID TRACT OF LAND BEING OUT OF AND A PART OF A CALLED 100 ACRE TRACT DESCRIBED IN A QUITCLAIM DEED TO HELEN J. LALLIER AND HUSBAND, CARL E. LALLIER OF RECORD IN VOLUME 787, PAGE 499, OF THE DEED RECORDS OF SAID COUNTY, SAID 2.24 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AND FOLLOWS:

COMMENCING at a 1/2 inch iron rod found in the southeasterly right-of-way of State Highway 71, for the northwesterly corner of Lot one (1), Bee Cave-Lyn 71 West Addition, a subdivision situated in the aforementioned county, as depicted by the instrument recorded in Volume 94, Page 43, of the Plat record of said county, said point being the northeasterly corner of a called 0.995 acre parcel of land as described by the instrument recorded in Volume 12717, Page 1873, of the Real Property Records of said county;

THENCE, along the aforementioned right-of-way, and with the northerly line of the aforementioned 0.995 acre parcel, North 77 degrees 46 minutes 44 seconds West, a distance of 208.65 feet to a 1/2 inch iron rod found for the northwesterly corner of said 0.995 acre parcel, and the most northerly northeast corner and PLACE OF BEGINNING of the herein described tract;

THENCE, leaving the aforementioned right-of-way, with the westerly line of the aforementioned 0.995 acre parcel, South 06 degrees 28 minutes 25 seconds West, a distance of 208.64 feet to a 1/2 inch iron rod found for the southwesterly corner of said 0.995 acre parcel, for an angle point of the herein described tract;

THENCE, along the southerly line of the aforementioned 0.995 acre parcel, South 77 degrees 46 minutes 48 seconds East, a distance of 208.74 feet to a 1/2 inch iron rod found for an angle point in the westerly boundary of the aforementioned subdivision, same being the southeasterly corner of the said 0.995 acre parcel, for the most easterly northeast corner of the herein described tract;

THENCE, continuing along the westerly boundary of the aforementioned subdivision, South 06 degrees 28 minutes 52 seconds West, a distance of 35.70 feet to a 1/2 inch iron rod found for an angle point of said westerly boundary, and for the most easterly southeast corner of the herein described tract;

THENCE, continuing along the westerly boundary of the aforementioned subdivision, North 83 degrees 27 minutes 38 seconds West, a distance of 93.44 feet to a wood fence post for the northeasterly corner of a cemetery, an angle point in the westerly boundary of said subdivision, and an angle point of the herein described tract;

THENCE, leaving the westerly boundary line of the aforementioned subdivision, and continuing with the northerly line of the aforementioned cemetery, North 89 degrees 42 minutes 45 seconds West, a distance of 26.11 feet to a wood fence post for the northwesterly corner of said cemetery, and angle point of the herein described tract;

THENCE, along the westerly line of the aforementioned cemetery, South 02 degrees 04 minutes 01 seconds West, a distance of 44.00 feet to a fence post for the southwesterly corner of said cemetery, and re-entering the westerly boundary of the aforementioned subdivision at an angle point of said boundary, and being an angle point of the herein described tract;

THENCE, along the westerly boundary of the aforementioned subdivision, South 06 degrees 33 minutes 51 seconds West, a distance of 23.81 feet to a 1/2 inch iron rod found in the westerly boundary, same point being the northwesterly corner of a called 5.207 acre

7.41 acres
Page 2 of 2

- 6) N 11°28'35" W, 15.36 feet to a 1/2 inch diameter iron rod found;
- 7) N 85°55'35" W, 7.28 feet to a 1/2 inch diameter iron rod found;
- 8) N 68°11'32" W, 7.57 feet to a 1/2 inch diameter iron rod found;
- 9) N 42°18'35" W, 8.20 feet to a 1/2 inch diameter iron rod found;
- 10) N 03°29'36" W, 15.95 feet to a 1/2 inch diameter iron rod found;
- 11) N 02°10'34" E, 7.92 feet to a 1/2 inch diameter iron rod found;
- 12) N 21°14'12" E, 8.55 feet to the PLACE OF BEGINNING, containing 7.41 acres of land, more or less.

THE UNDERSIGNED DOES HEREBY CERTIFY THAT THIS DESCRIPTION WAS PREPARED
FROM AN ACTUAL SURVEY PERFORMED ON THE GROUND, UNDER MY SUPERVISION.

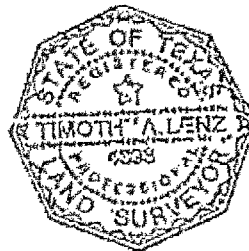
Timothy A. Lenz
Timothy A. Lenz R.P.L.S. No. 4393

3/4/98

Date

LENZ & ASSOCIATES, INC.
1714 Fort View Road, Suite 104
Austin, Texas 78704
(512) 443-1174

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COUNTY CLERK
TRAVIS COUNTY, TEXAS

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Body source	
Acreage	±9.65 acres
Address	SH-71 @ Hamilton Pool Road
Legal Des.	A 7.41 acre tract of land, and 2.24 acre tract of land out of the Hall Medlin Survey 523, Abstract 540, as recorded in the Official Records of Travis County, Texas.
County	Travis
City	Bee Cave
Zoning	PDNS
Special	N.A.
Aquifer	N.A.
IC limits	40% (NPS regulations)
FAR limits	5% bonus, irrigation w/roof runoff
Access	35,000 s.f. maximum individual building footprint
Water	LCRA
Wastewater	Septic (interim)
Landscape	25' buffers by adjacent res.
Other	25' side & rear building setbacks (on overall tract perimeter) 2 story/35' bldg. ht. 25' landscape buffer on Twin Acres Dr. 80' from res. to exceed one story 75' setback from SH-71 Buffer Area to Hamilton Pool Rd. as shown on plan

Old Bee Cave Square Land Use Summary

Tract Size	436,035 sf. (10.01 ac.)
Gross Building sf.	42,700 sf.

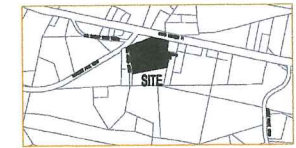
Impervious Cover Calculations

	174,414 sf. (40.0%)
Allowable IC @ 40%	174,414 sf. (40.0%)
Building	42,700 sf.
Drive	116,909 sf.
Walk	14,805 sf.
Proposed IC	174,414 sf. (40%)

Parking Calculations

Retail	1 space/200 sf.
Parking Required:	133 spaces
Restaurant	1 space/100 sf.
Parking Required:	124 spaces
Bank	1 space/250 sf. (+5)
Parking Required:	19 spaces
Total Required:	276 spaces
Total Provided:	277 spaces

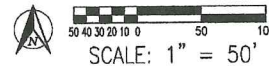
Proposed Lot Line as per approved Preliminary Plan



Vicinity Map

Original City Council Approval Date: 6-27-2006
Official Amendment Submittal Date: 1-30-2009
City Council Approval Date of Amendment: _____

Old Bee Cave Square Conceptual Site Plan



REVISION BLOCK: NO. DATE ENCL. COMMENTS	
OWNER INFORMATION: Spindon Kennelways 3105 South 14th St Austin, TX 78746 TEL: (512) 844-9664 FAX: (512) 844-9665	
Old Bee Cave Square Address: _____ Conceptual Site Plan	
1010 LAND CREEK CV. SUITE 100 AUSTIN, TX 78746 PH: (512) 328-0060 FAX: (512) 328-0172 LSI@landstrat.com	
LAND STRATEGIES INC. PAUL LINEHAN & ASSOCIATES	
SHEET 1 OF 1	

Exhibit "C"

PROPOSED AMENDED PLANNED DEVELOPMENT STANDARDS

The following development standards amend the development standards approved in Exhibit C to Ordinance No. 06-06-27A and shall be applicable within this Planned Development Neighborhood Services District in addition to the Development Standards approved in Exhibit C to Ordinance No. 06-06-27A except as same may be modified herein. To the extent that any of the following standards conflict with other City Ordinances, the following shall control. All development activity undertaken on the Property (the "Project"), shall comply with the development standards for Neighborhood Services Zoning District in effect on March 1, 2006 except as modified herein, or as modified by Ordinance No. 06-06-27A and with all other City zoning, subdivision and construction codes and requirements, except as modified herein. Capitalized terms contained herein shall be defined as indicated in these Planned Development Standards, as reflected on the Amended Concept Plan or as defined in the City of Bee Cave Code of Ordinances, depending upon context.

Development Requirements:

1. Subject to TxDOT approval, development in the PD District shall be designed to include a drive way across the area identified as a buffer area and as depicted in the Amended Concept Plan. All development within the PDD District shall have access to either Hamilton Pool Road or Highway 71. Such access may be provided through private easements and/or joint access easements and if the property is subdivided, lots may be platted without public right-of-way frontage provided that a perpetual access easement for all lots is provided to Highway 71 or Hamilton Pool Road. Driveway improvements to Hamilton Pool Road shall be constructed and completed as described in Paragraph 6 of Exhibit C of Ordinance No. 06-06-27A prior to approval of site plans for development of Phases V and VI in the PD District. Changes to the driveway configuration and alignment may be approved by the City Administrator if necessary to facilitate TxDOT requirements.
2. In order to maintain a readable plat, site areas reserved for parks, if any, and undisturbed landscape areas will be shown on the Site Plan in accordance with the Concept Plan, instead of the Plat.
3. In order to maintain a readable Plat, utility and drainage easements will be recorded via separate instruments and will be shown on the Site Plan instead of the Plat. A blanket easement for utilities shall be described by Plat note upon Final Plat to guarantee that each lot while have utilities until the actual location of utility easements is described by separate instrument and depicted in the Site Plan. A public utility easement shall be dedicated to the City on the parameter of the Project but shall not be necessary for utility easements located within the interior of the Project or between separate lots.

4. All building setbacks shall be as shown on the Amended Concept Plan. If the property is subdivided there shall not be any interior lot line set backs required so long as the Project is developed in conformity with the Amended Concept Plan.
5. Parking may be shared between users regardless of whether the property is subdivided. Parking ratios shall be based on and calculated for the overall Project without regard to the number of platted lots or the proximity of such parking spaces to a particular building and without regard to a particular buildings' gross floor area.
6. Sidewalks are not required adjacent to public or private roads located along the perimeter of the Project, except as depicted on the Concept Plan.
7. For purposes of determining compliance with City ordinances, the entire PD District shall be treated as a single lot, regardless of the number of lots platted within the District and regardless of dedication of property within the PD District to the City or any other governmental entity.
8. The existing structure depicted on the Amended Concept Plan may be remodeled, reconfigured or reconstructed and expanded up to 15% of its current gross floor area so long as no part of the reconfiguration or expansion extends further into the Highway 71 setback.
9. Upon approval by the City Administrator, the location of buildings and uses within the Project may be modified from the locations depicted in the Amended Concept Plan so long as the buildings and uses within the Project do not exceed the limitations and conditions described in Development Standard Item 5 and Item 6 of Exhibit C to Ordinance No. 06-06-27A, or this Exhibit C, or by any other Development Standard described herein or in Ordinance No. 06-06-27A.